

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: 08 Civ. 3330 (JSR)  
In re FAIVELEY TRANSPORT MALMO AB :  
: ORDER  
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JED S. RAKOFF, U.S.D.J.

Belatedly, defendant Wabtec Corporation notified the Court that it wished to file a "Daubert motion," in advance of the preliminary injunction hearing to commence July 28, 2008, to preclude the Court from admitting evidence from plaintiff Faiveley Transport Malmo AB's expert. Plaintiff indicated that it wished to make a similar motion, but desired to do so at the time of the hearing.

As Wabtec's motion is merely one to exclude evidence under Federal Rule of Evidence 702, the Court has instructed the parties that it will take up any such motion during the hearing at the time the evidence is sought to be admitted.

SO ORDERED.

  
JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
July 16, 2008

